

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF THE
VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE HALL,
ON WEDNESDAY, JUNE 7, 2000.**

Members Present: Peter Lilienfield, Chairman
William Hoffman
Jay Jenkins, Secretary
Allen Morris
Patrick Natarelli

Also Present: Lino J. Sciarretta, Village Counsel
Edward P. Marron, Jr., Building Inspector
Florence Costello, Planning Board Clerk
Thomas Jackson, Environmental Conservation Board
J&L Reporting Service for Westwood Development Associates
Applicants and other persons mentioned in these Minutes
Members of the Public.

IPB Matters

Considered: **94-03 -- Westwood Development Associates, Inc.**
Broadway, Riverview Road & Mountain Road
98-44 -- Ciccio & Chernick
Riverview Road
00-15 -- Andrew & Katherine O'Connor
9 Irving Place
00-18 -- Storm & Debbie Field
105 Riverview Road
00-19 -- Northwest Neu Corp.
Riverview Road
00-20 -- John & Margaret Hogan
2 Roland Road
00-21 -- Mercy College (Informal Discussion)
555 Broadway

The Chairman called the meeting to order at 8:00 p.m.

Administrative:

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees.

The Chairman introduced and welcomed Edward P. Marron as the new Building Inspector for the Village, who recently replaced Richard Fon.

IPB Matter #2000-15:

**Application of Andrew & Katherine O'Connor
for Amendment of Plan as to which Waiver was
previously granted at 9 Irving Place.**

John Deans appeared for the Applicant. The Application, which relates to a revised plan that had been previously approved, had been carried over from the Board's May 3, 2000 meeting at which the Board had concluded that, since the aggregate increase from the original proposal exceeded 15%, Site Plan Approval (and not a Waiver) was required. The Board had set a public hearing on Site Plan Approval for June 7, 2000 and the Chairman formally opened the public hearing. Drawings entitled O'Connor Residence, 6 sheets by John Deans, Architect, dated April 18, 2000 were submitted. There were no comments from the public and the Chairman noted that Mr. Mastromonaco had no engineering concerns. The Chairman closed the Public Hearing, and the Board determined that this was a Type II action under SEQRA.

After discussion, on motion duly made, seconded and unanimously approved, the Board granted Site Development Plan Approval.

IPB Matter #98-44:

**Application of Joseph & Denise Ciccio and
Mitchell & Sheri Chernick for subdivision of
property at Riverview Road.**

Norman Sheer, Esq., attorney for the Applicant, appeared for the Applicant to continue the public hearing on this Application. The Chairman read the following letters in to the record, which letters are incorporated herein by reference:

- Letter dated May 9, 2000 from the Chairman to Norman Sheer Esq.
- Letter dated May 18, 2000 from Mark S. Tulis, Esq., counsel to Mr. and Mrs. Thomas Wexler, to the Chairman.
- Letter dated May 31, 2000 from Norman Sheer, Esq., to the Planning Board.
- Letter dated May 25, 2000 from Escaladas Associates to Norman Sheer, Esq.

The Chairman explained that the Board has requested that the Village Counsel and the Village Engineer respond to the matters set forth in such letters and that the Board is awaiting such response. Mr. Sheer requested that the Board continue to move this process forward. He also suggested that, with respect to the sewer/septic issue, his clients may suggest that a septic system be permitted, with the condition that such system be replaced when a sewer hook-up to Westwood becomes available.

IPB Matter #2000-18:

**Application of Storm & Debbie Field for Waiver
of Site Development Plan Approval for property
at 105 Riverview Road.**

Susan M. Riordan appeared for the Applicant. The Applicant presented evidence of mailing of Notice to Affected Property Owners. The Application relates to the proposed expansion of a room by 1 foot. There is no increase in the footprint. Drawings entitled Field Residence Addition by Susan M. Riordan, Architect, dated January 28, 2000, last revised May 11, 2000 were submitted. Mr. Mastromonaco had no engineering concerns and there were no comments from the public. The Board determined that this was a Type II action under SEQRA.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #2000-19:

**Application of Northwest Neu Corp. for
Determination of Site Capacity for property on
Riverview Road.**

Anthony F. Federico appeared for the Applicant. The Application relates to a Determination of Site Capacity for the proposed construction of a single family residence on Riverview Road. Mr. Mastromonaco noted that the property was within the Village's

Watershed boundary, and that the deduction under the Resource Protection regulation of the Village Zoning Code would result in the property having a site capacity of 0 (zero).

After discussion, on motion duly made, seconded and unanimously approved, the Board determined that the site capacity of the subject is 0 (zero) dwelling units. The Applicant was informed that they would have to appear before the Zoning Board of Appeals if they chose to seek a modification from the Planning Board's determination. Furthermore, they were provided a copy of Mr. Mastromonaco's memorandum which raised other concerns that would need to be addressed with the Building Inspector.

IPB Matter #2000-20:

**Application of John & Margaret Hogan for
Waiver of Site Development Plan Approval
for property at 2 Roland Road.**

Matthew Behrens appeared for the Applicant. The Applicant presented evidence of mailing of Notice to Affected Property Owners. The Application relates to the proposed construction of a new kitchen addition extending 3 ft. 10 in. at the rear of the residence and increasing the footprint by 2%. Plans entitled Kitchen Alteration: Hogan Residence, by Matthew Behrens, Architect, dated April 28, 2000, 2 sheets, were submitted. Mr. Morris and Mr. Jenkins recused themselves from consideration of this application. Mr. Mastromonaco had no engineering concerns and there were no comments from the public. The Board determined that this was a Type II action under SEQRA.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan Submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #2000-21:

**Application of Mercy College for an Informal
Discussion for renewal of Special Permit.**

Nathan Dickmeyer, Vice President for Finance and Administration/Treasurer of Mercy College, appeared for the Applicant for this informal discussion. The Application relates to the proposed renewal of the Special Permit granted to Mercy College June 5, 1996. Mr. Hoffman took no part in the consideration of the Application. Mr. Mastromonaco had no engineering concerns.

The Chairman noted that the Board had received a letter dated May 22, 2000 from the Applicant outlining certain proposed amendments to the Special Permit, which letter is incorporated herein by reference. The Board instructed the Village Building Inspector to inspect the Mercy College campus to confirm compliance with the terms of the Special Permit as required by Sec 243-8-F-(4) of the Village Zoning Ordinance and report back to the Board.

The Village Counsel of the Village of Ardsley advised the Board that the Village of Ardsley is currently discussing with Mercy College the possibility of using approximately 90 existing parking spaces for Ardsley residents who seek to use the Ardsley-on-Hudson train station. The Chairman noted that any such development could constitute a material modification to the Special Permit and may require a complete new application procedure, including without limitation, environmental impact statements. The Chairman asked Counsel to investigate this matter. Mr. Ntarelli was asked to request that the Irvington Police Department advise the Board of any law enforcement problems or complaints relating to Mercy College.

The Board will continue informal discussions on this matter at its next meeting.

IPB Matter #94-03:

**Application of Westwood Development
Associates, Inc., for Limited Site Development
Plan Approval for property at Broadway,
Riverview Road and Mountain Road.**

Charles Pateman and Padraic Steinschneider appeared for the Applicant. The proceeding was a continuation of the Public Hearing on the Westwood Development Project, and a transcript was prepared by J&L Reporting Service.

Mr. Steinschneider reported that the Applicant expects to have in the next 7-10 days engineering drawings responsive to Mr. Mastromonaco's previous comments. Mr. Steinschneider then verbally requested (i) that 9 items raised by Mr. Mastromonaco be covered in final (rather than preliminary) plans to be submitted by the Applicant, and (ii) that 7 items be waived. The Chairman requested that these items be submitted to the Board in writing for its consideration; the applicant agreed to do so.

The public hearing was continued to the Board's July 12, 2000 meeting.

- The Minutes for the Planning Board meeting on May 3, 2000 were approved.
- The next regular meeting of the Planning Board was scheduled for July 12, 2000.

Respectfully submitted,

Jay Jenkins, Secretary